

by or service with the bank would materially strengthen the bank's ability:

(1) To become adequately capitalized, to the extent that the directive was issued as a result of the bank's capital level or failure to submit or implement a capital restoration plan; and

(2) To correct the unsafe or unsound condition or unsafe or unsound practice, to the extent that the directive was issued as a result of classification of the bank based on supervisory criteria other than capital, pursuant to section 38(g) of the FDI Act.

(f) *Recommendation of presiding officer.* Within 20 calendar days following the date the hearing and the record on the proceeding are closed, the presiding officer(s) shall make a recommendation to the OCC concerning the Respondent's request for reinstatement with the bank.

(g) *Time for decision.* Not later than 60 calendar days after the date the record

is closed or the date of the response in a case where no hearing was requested, the OCC shall grant or deny the request for reinstatement and notify the Respondent of the OCC's decision. If the OCC denies the request for reinstatement, the OCC shall set forth in the notification the reasons for the OCC's action.

Subpart O—Civil Money Penalty Inflation Adjustments

SOURCE: 65 FR 77252, Dec. 11, 2000, unless otherwise noted.

§ 19.240 Inflation adjustments.

The maximum amount of each civil money penalty within the OCC's jurisdiction is adjusted in accordance with the Federal Civil Penalties Inflation Adjustment Act of 1990 (28 U.S.C. 2461 note) as follows:

U.S. Code citation	Description	Adjusted maximum penalty
12 U.S.C. 93(b), 504, 1817(j)(16), 1818(i)(2), and 1972(2)(F)	Tier 1	5,500
	Tier 2	27,500
	Tier 3	1,175,000
12 U.S.C. 164 and 3110(c)	Tier 1	2,200
	Tier 2	22,000
	Tier 3	1,175,000
12 U.S.C. 1832(c) and 3909(d)(1)	1,100
12 U.S.C. 1884	110
12 U.S.C. 3110(a)	27,500
15 U.S.C. 78u-2(b)	Tier 1 (natural person)	5,500
	Tier 1 (other person)	60,000
	Tier 2 (natural person)	60,000
	Tier 2 (other person)	300,000
	Tier 3 (natural person)	120,000
	Tier 3 (other person)	575,000
42 U.S.C. 4012a(f)(5)	Per violation	350
	Per year	115,000

§ 19.241 Applicability.

The adjustments in § 19.240 apply to violations that occur after December 11, 2000.

PART 21—MINIMUM SECURITY DEVICES AND PROCEDURES, REPORTS OF SUSPICIOUS ACTIVITIES, AND BANK SECRECY ACT COMPLIANCE PROGRAM

Subpart A—Minimum Security Devices and Procedures

Sec.

21.1 Purpose and scope of subpart A of this part.

21.2 Designation of security officer.

21.3 Security program.

21.4 Report.